

Quinn,Robert E

From: Quinn,Robert E
Sent: Monday, January 21, 2019 6:53 PM
To: 'Claudia Wilner'
Cc: 'Darius Charney'; 'Travis England'
Subject: RE: BLRR v City of Buffalo - Discovery

Also, to follow on our discussions on motor vehicle accidents, it is my understanding that paper copies of MV-104a Accident Reports written by Buffalo Police Officers are retained and kept by date. It is also my understanding that those reports are completed for all accidents that the Police Department responds to, and that there are a large number of reports. Please let me know if you have any other questions. Thanks.

From: Quinn,Robert E
Sent: Monday, January 21, 2019 5:58 PM
To: 'Claudia Wilner' <wilner@nclej.org>
Cc: 'Darius Charney' <dcharney@ccrjustice.org>; 'Travis England' <england@nclej.org>
Subject: RE: BLRR v City of Buffalo - Discovery

I dropped off a copy of our responses to the WNY Law Center at or about 4:30 today. I tried calling earlier in the day but no one answered, and no one answered the bell on their office, so I slid under the door. If they do not receive I can re-serve tomorrow afternoon. Just wanted to avoid another walk over, if possible, so let me know. Thanks.

From: Quinn,Robert E
Sent: Monday, January 21, 2019 4:17 PM
To: 'Claudia Wilner' <wilner@nclej.org>
Cc: 'Darius Charney' <dcharney@ccrjustice.org>; 'Travis England' <england@nclej.org>
Subject: RE: BLRR v City of Buffalo - Discovery

Allow this to follow up in response to our prior discussions and communications:

As I have previously indicated, the following individuals have also assisted in the search and responses to your demands: Tracy Dean from the BPD Management Information Systems (MIS) and Danielle Morgera from the Buffalo Traffic Violation Agency (BTVA). There are a number of retired employees who may also be responsive and possess responsive information and I am currently aware of Vera Berent – BPD MIS (retired) and Captain Patrick Mann – BPD Training Officer (retired), who I have also previously identified. I believe the previously provided screen shots provide information regarding the databases used for Courtroom and CHARMS. Regarding the State's TraCS, again as previously indicated, it is my understanding that the version used currently used is 10.06.56 and the hardware used is a Panasonic Mobile Computer Terminal ("MCT") and desktop computers, of which we have many different models.

As I have also indicated, we have reached out to other agencies, specifically Erie County Central Police Services and the Erie County Community College Training Academy, to determine the universe of available data and search capacities. This specifically includes attempting to contact Suzanne Spencer (who I understand has the most familiarity with the TraCS system) and speaking with their Deputy Director of Information Services, Marlaine Hoffman, and an individual who referred to himself as "D.W.". We are still awaiting a response from the Erie Community College Training Academy.

To determine additional individuals and locations which may possess additional information, I have also contacted the BPD's Internal Affairs Division ("IAD"). While we continue to object to your requests for this information on relevancy, as well as many other grounds, in an effort to move discovery forward, I can advise that the BPD uses the IAPro/Blue

Team software (<http://www.iapro.com/products/blueteam/>) in its operations. It is my understanding that this software contains certain, limited, information which corresponds with paper files through an identifying number. That database is searchable by a number of parameters, including Division, District, and "Incident Type", among other things. Without waiving or diminishing our previously raised objections and concerns, I believe it would be productive to discuss your requests further, with this information in mind, to see if we can avoid a potential discovery dispute.

As we have discussed at each of your conferrals, given the size and scope of your requests, and the size and scope of the City of Buffalo, and in light of the fact that responsive information could be contained in a number of locations which are all under the control of one individual, the search for and production of ESI is a substantial and time consuming endeavor. The search terms used, and which we will continue to use are "Checkpoints", "check points", "strike force", and "housing". We have requested that the above named individuals and all named defendants search all records for this information specifically including databases, computer files, paper files, and emails. We have also specifically requested the named defendants to conduct a search for complaints and requests related to traffic concerns, and would suggest that you provide specific search terms in that regard. We have also reached to the City of Buffalo's 311 office to search for complaints, requests, and other information which may be responsive to your demands. I would also note, as you have stated, much of that information is publicly available, and we have also utilized the City's Open Data website (<https://data.buffalony.gov/>), to search for and provide additional information.

Regarding your threats about motion practice, I believe they lack any foundation whatsoever. As I have indicated at each of our conferrals, given all of this, we believe and reiterate that responses will take a considerable amount of time and effort. In an attempt to show good faith, we provided initial responses in a timely manner, without asking for additional time which would have been completely warranted and reasonable under the circumstances. As you also know, we have also provided our first supplemental response and will continue to fulfill our discovery obligations as we move forward. Our office has already dedicated an extensive amount of time and resources in that effort, which I must remind you is still very much ongoing, and for which we don't have anywhere near the number of attorneys which are apparently at your disposal. Despite your accusations, we have and will continue to participate in this process in good faith, in an attempt to move discovery forward which, at least to my understanding, is what this process is intended to facilitate. I would note that this has already resulted in substantial progress on a number of responses where there was an apparent dispute, and to which my office agreed to work through. While I don't pretend to tell you how to prosecute your case, I can ask for the same good faith, and we will preserve our objections to the excessive and unproductive number of attorneys, feigned and unreasonable expectations, arguments, and posturing, as well as the number and length of your correspondence when a phone call, or simply waiting a brief and reasonable period, would suffice. In that regard we will respectfully decline to engage in unnecessary, redundant, and time consuming letter writing battles. Respectfully, and acknowledging that there is still work to do, I do not believe that 10 page letters basically memorializing our prior discussions in an accusatory tone is helpful in moving things along. I look forward to speaking with you more and continuing in our effort to proceed in a reasonable and productive manner. Thanks.

Rob Quinn. (716) 851-4326.

From: Quinn,Robert E
Sent: Sunday, January 20, 2019 3:22 PM
To: 'Claudia Wilner' <wilner@nclej.org>
Cc: 'Darius Charney' <dcharney@ccrjustice.org>; 'Travis England' <england@nclej.org>
Subject: RE: BLRR v City of Buffalo - Discovery

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From: Quinn,Robert E
Sent: Sunday, January 20, 2019 3:21 PM
To: 'Claudia Wilner' <wilner@nclej.org>
Cc: 'Darius Charney' <dcharney@ccrjustice.org>; 'Travis England' <england@nclej.org>
Subject: RE: BLRR v City of Buffalo - Discovery

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From: Quinn,Robert E
Sent: Sunday, January 20, 2019 3:20 PM
To: 'Claudia Wilner' <wilner@nclej.org>
Cc: 'Darius Charney' <dcharney@ccrjustice.org>; 'Travis England' <england@nclej.org>
Subject: RE: BLRR v City of Buffalo - Discovery

2 of 4.

From: Quinn,Robert E
Sent: Sunday, January 20, 2019 3:19 PM
To: 'Claudia Wilner' <wilner@nclej.org>
Cc: 'Darius Charney' <dcharney@ccrjustice.org>; 'Travis England' <england@nclej.org>
Subject: RE: BLRR v City of Buffalo - Discovery

1 of 4.

From: Quinn,Robert E
Sent: Sunday, January 20, 2019 3:18 PM
To: 'Claudia Wilner' <wilner@nclej.org>
Cc: Darius Charney <dcharney@ccrjustice.org>; Travis England <england@nclej.org>
Subject: RE: BLRR v City of Buffalo - Discovery

Thanks, that will be much easier. I'll hand deliver tomorrow if they're open. Attachments (again, not everything due to size restrictions) will follow this email.

- 1) I have not supplemented responses to interrogatories, plan was to do that once we were further along and I thought we were all agreeable, but am happy to discuss alternatives. I will continue to provide responsive information informally to move things along, just don't want to have confusion if we have to supplement every couple weeks. Still trying to get to your letter today, and was planning on providing additional information in response to that (e.g., search terms I referenced, names of the individuals, that I have provided in our conferences), but we've had some weather issues here and there are few other things I have to get done today, so that may not happen until tomorrow morning. As you know, we have also agreed to provide names of individuals on strike force and housing, as a good faith effort to avoid a discovery dispute, and am hopeful to have that information next week.
- 2) Not at this point, search is not complete at this point but will provide additional info as described above.
- 3) Not at this point, again thought we had discussed this and my plan was to formally bates and amend/supplement our responses once we were further along. With that said, I am happy to discuss further how you want to handle this, but believe the information provided should be fairly straight forward and self-evident as to what it responds to.
- 4) We have not withheld anything on privilege grounds at this point.

Let me know if you have some time next week to discuss. Perhaps scheduling would be easier if you just designated one attorney to act as liaison? Not sure why you have so many people on these phone calls and conferences. Feel like I end up repeating myself, which makes them longer and cuts down on productivity, without any benefit. Also, note my objection to the "some effort" reference in your email as uncalled for and incorrect.

Thanks, and have a good night.

From: Claudia Wilner [<mailto:wilner@nclej.org>]
Sent: Sunday, January 20, 2019 2:36 PM
To: Quinn,Robert E <rquinn@ch.ci.buffalo.ny.us>
Cc: Darius Charney <dcharney@ccrjustice.org>; Travis England <england@nclej.org>
Subject: Re: BLRR v City of Buffalo - Discovery

Rob, we appreciate that you have made some effort to provide additional responses. As we have stated in the past, our instructions specify to send responses electronically or by hand delivery to our local co-counsel, the Western New York Law Center. Alternatively, we would accept overnight delivery to NCLEJ if that works better for you. The regular mail between Buffalo and New York City takes a full week; this kind of delay is not acceptable given our current time constraints.

Accordingly, please send your production by email as soon as possible, and no later than Tuesday morning. We do not mind receiving multiple emails. Documents that cannot be emailed should be delivered to Keisha Williams at the Western New York Law Center.

We would also like you to answer the following questions by Tuesday morning:

- (1) Does your response include supplemental responses to interrogatories?
- (2) Does your response include a written statement detailing for each request for production, the custodians searched, search terms used, and whether your search is ongoing or complete?
- (3) Does your production conform to Rule 34(b)(2)(E)(1), which states: "A party must produce documents as they are kept in the usual course of business or must organize and label them to correspond to the categories in the request."
- (4) Have you withheld any documents on the basis of privilege or other protection and, if so, have you included a privilege log?

Thanks, and enjoy the rest of your weekend.

From: Quinn,Robert E <rquinn@ch.ci.buffalo.ny.us>
Sent: Saturday, January 19, 2019 5:59 PM
To: Claudia Wilner
Cc: Darius Charney; Travis England
Subject: RE: BLRR v City of Buffalo - Discovery

A First Supplemental Discovery Response is in the mail. Attached is the cover letter. I can email most of the documents provided, if you'd like, but due to size restrictions it will be a number of emails and won't be able to send everything.

-Rob Quinn.

From: Quinn,Robert E
Sent: Friday, January 18, 2019 4:53 PM
To: 'Claudia Wilner' <wilner@nclej.org>
Cc: Darius Charney <dcharney@ccrjustice.org>; Travis England <england@nclej.org>
Subject: RE: BLRR v City of Buffalo - Discovery

Attached is the form TraCS Use & Dissemination Agreement I mentioned. As I stated, it was provided by Erie County Central Police Services in response to my request. I will follow up further tomorrow, as discussed. Thanks and have a good night.
-Rob Quinn.

From: Claudia Wilner [<mailto:wilner@nclej.org>]
Sent: Friday, January 18, 2019 1:06 PM
To: Quinn, Robert E <rquinn@ch.ci.buffalo.ny.us>
Cc: Darius Charney <dcharney@ccrjustice.org>; Travis England <england@nclej.org>
Subject: BLRR v City of Buffalo - Discovery

Hi Rob, please see the attached letter concerning our position on the current status of discovery. We look forward to speaking with you at 2pm today.

For the call, we can use 646-680-8918, 0140943#

Best,
Claudia



Claudia Wilner
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National Center for Law and Economic Justice
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